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OFFICE OF THE SECRETARY

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September 29, 2000

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

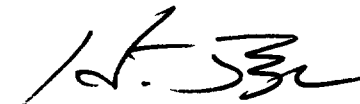
**Re: Amendment of Section 73.202(b)
FM Table of Allotments
FM Broadcast Stations
(Warsaw and Windsor, Missouri)**

Dear Ms. Salas:

Transmitted herewith on behalf of D & H Media, is an original and four copies of its Petition for Rule Making seeking the commencement of a proceeding to amend the FM Table of Allotments to: (1) allot Channel 253A at Windsor, Missouri, as that community's first local aural service, (2) delete the allotment of Channel 253A at Warsaw, Missouri and (3) modify the facilities of Station Facility ID No. 39629 to specify operation on Channel 253A at Windsor, Missouri.

Should any questions arise concerning this matter, please contact this office directly.

Respectfully submitted,



Howard J. Barr

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

SEP 29 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN RE:)
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)
)
Amendment of Section 73.202(b)) RM - _____
Table of Allotments FM Broadcast) MM Docket - _____
Stations Facility ID No. 39629)
Unassigned Call Sign)
(Warsaw and Windsor, Missouri))

TO: CHIEF, ALLOCATIONS BRANCH

PETITION FOR RULEMAKING

Pursuant to Sections 1.401 and 1.402(i) of the Commission's rules, 47 C.F.R. §§ 1.401, 1.420(i) (1998), D & H Media, LLP ("D & H Media"), the assignee of the above-captioned station in Warsaw, Missouri, by its attorneys, hereby submits this Petition for Rulemaking to amend the FM Table of Allotments, 47 C.F.R. §73.202(b) (1998), to (1) allot Channel 253A at Windsor, Missouri, (2) delete the allotment of Channel 253A at Warsaw, Missouri, and (3) modify the facilities of the above captioned station to specify operation on Channel 253A at Windsor, Missouri.¹

As demonstrated in the attached engineering study, this proposal complies with the Commission's current separation requirements.² In further support of this Petition, the following is submitted:

1. D & H Media, LLP ("D & H Media") requests that the FM Table of

¹ In File No. BALH-20000613ABC, the Commission approved the assignment of the station's construction permit from John Mahaffey to D & H Media.

² The reference coordinates for Channel 253C3 at Windsor, Missouri are 38-32-40 North Latitude and 93-36-24 West Longitude.

Allotments be amended as follows:

<u>Community</u>	<u>Present Channels Allotted</u>	<u>Proposed Channels Allotted</u>
Warsaw, MO	249A, 253A	249A
Windsor, MO	_____	253A

As demonstrated herein, Windsor, Missouri is a community for allotment purposes. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982)

(requirement that allotment be to a “community” if the community is incorporated or is listed in the census). Windsor was incorporated in 1873 and has a population of 3044 persons. Windsor has a mayoral/Board of Aldermen form of Government. Windsor has a fire department as well as an active Chamber of Commerce, Lyons Club, and Community Betterment Council. The community also supports a number of houses of worship, including the Assembly of God Church, Bible Baptist Church, First Baptist Church, Saint Bartholomew Catholic Church, First Christian Church and Eldorado Methodist Church.

2. The allotment of Channel 253A to Windsor, and the concurrent deletion of the allotment of Channel 253A at Warsaw, Missouri, will not deprive Warsaw of its only local service. Station KAYQ(FM) is licensed to Warsaw, providing the community with its first local service.

3. The proposed change of community of license will provide Windsor its first local service, and will increase its service to surrounding communities.

4. As stated above, two full-time commercial stations are licensed to Warsaw while no commercial stations are licensed to Windsor. The estimated population of Warsaw is 1,677 persons and the population of Windsor is estimated to be 3,044 persons.

5. This proposal serves the public interest. Under the allotment priorities set forth in *Revision of FM Assignment and Procedures*, 90 FCC 2d 88 (1982), the Commission will consider the following factors in granting a Petition to amend the Table of Allotments:

- (1) first full-time aural service;
- (2) second full-time aural service;
- (3) first local service; and
- (4) other public interest matters.

with co-equal weight given to priorities (2) and (3). Warsaw is presently allotted a first and second local service. The proposed allotment will provide Windsor with its first local service (fulfilling the Commission's third priority for FM allocations) while allowing Warsaw to continue to receive local service from KAYQ(FM). Substitution of Windsor for Warsaw would therefore result in a preferential arrangement of allotments. 47 U.S.C. § 307(b) (1998).

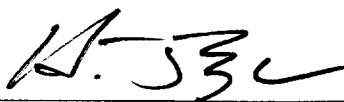
6. D & H Media, LLP hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized, D & H Media will build the modified facilities promptly and commence operation.

WHEREFORE, for the foregoing reasons, D & H Media, LLP hereby requests that the Commission grant the Petition for Rulemaking, and commence a rule making proceeding to allot Channel 253A to Windsor, Missouri, delete the allotment of Channel 253A at Warsaw, Missouri, and modify the license of the above-captioned Station to

specify operation on Channel 253A at Windsor, Missouri.

Respectfully submitted,

D & H MEDIA, LLP

By 
Howard J. Barr
Its Attorney

Pepper & Corazzini, LLP
1776 K Street, N.W., Suite 200
Washington, D.C. 20006
202/296-0600

September 29, 2000

HJB/de

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PROPOSED RULEMAKING
D & H MEDIA, LLC
CH.253C3 98.5 MHz
WINDSOR, MISSOURI

FCC - ORIGINAL

ENGINEERING STATEMENT

Concerning a request for Rulemaking to assign Channel 253A to Windsor, Missouri and to reserve the channel for the new permitted facility file number BMAP-890725MF.

D & H MEDIA, LLC requests that the FCC allot Channel 253A to Windsor, Missouri, with 253A at Windsor reserved for BMAP-890725MF.

D & H MEDIA LLC has retained the services of Vir James P.C., Consulting Radio Engineers, to prepare the engineering portions of this request for FM Rulemaking for Windsor, Missouri.

Measurements in this report are in the metric system. Exhibit E-1B-2 tabulates the appropriate conversion factors.

The proposed reference coordinates for Channel 253A can be assigned at the coordinates for the city of Windsor as follows:

NL: 38 Deg 31 min 56 sec
WL: 93 Deg 31 min 19 sec

A study of existing and proposed FM stations and allocations on file as of the date of this request for Rulemaking shows that there are neither cochannel nor adjacent channel commercial FM stations within the minimum distance separations specified in Section 73.207 of the FCC rules.

CH.	FREQ.	NEAREST ALLOCATION		CALL	SEPARATION IN KM	
		CITY			ACTUAL	REQ'D
250C3	97.9	Waynesville	MO	KFBDA LC	121	42
251C	98.1	Kansas City	KS	KUDL	103	95
252C2	98.3	Columbia	MO	KFMZ	111	106
253C	98.5	Farmington	MO	KTJJ	276	226
253A	98.5	Chillicothe	MO	KCHIADD	133	115
254C1	98.7	Springfield	MO	KWTOFM	164	133
255C	98.9	Leavenworth	KS	KQRCFM	110	95
256A	99.1	Girard	KS	KSEKFM	165	31
TV-6		Sedalia	MO	KMOSTV	32	22

PROPOSED RULEMAKING
D & H MEDIA, LLC
CH.253C3 98.5 MHz
WINDSOR, MISSOURI

— There are no FM frequencies 10.6 or 10.8 MHz removed from 98.5 MHz so therefore no IF interference can result.

Hence, the proposed allocation of Channel 253A to Windsor, Missouri, would meet required separation distances with respect to existing or proposed FM stations and allocations.

The Community of Windsor is a principal community of Henry County, Missouri and has a population of 3044 according to the 1990 census. This will provide the community of Windsor, Missouri with its first local FM service.

Therefore the table of Allotments in Section 73.202 can be amended as follows:

Warsaw, Missouri

Present: 249A, 253A

Proposed: 249A

Windsor, Missouri

Present: none

Proposed: 253A

This request for Rulemaking has been prepared in accordance with the appropriate parts of Section 73 of the FCC Rules and Regulations.



Respectfully submitted,

Timothy C Cutforth

Timothy C. Cutforth, P.E.
19 September 2000

STATE OF COLORADO

EXHIBIT E-1B-1

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (50046) by the Society of Broadcast Engineers, Inc.

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a member of the IEEE.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief: and on such statements made on belief, they are believed to be true.

Timothy C. Cutforth
Affiant

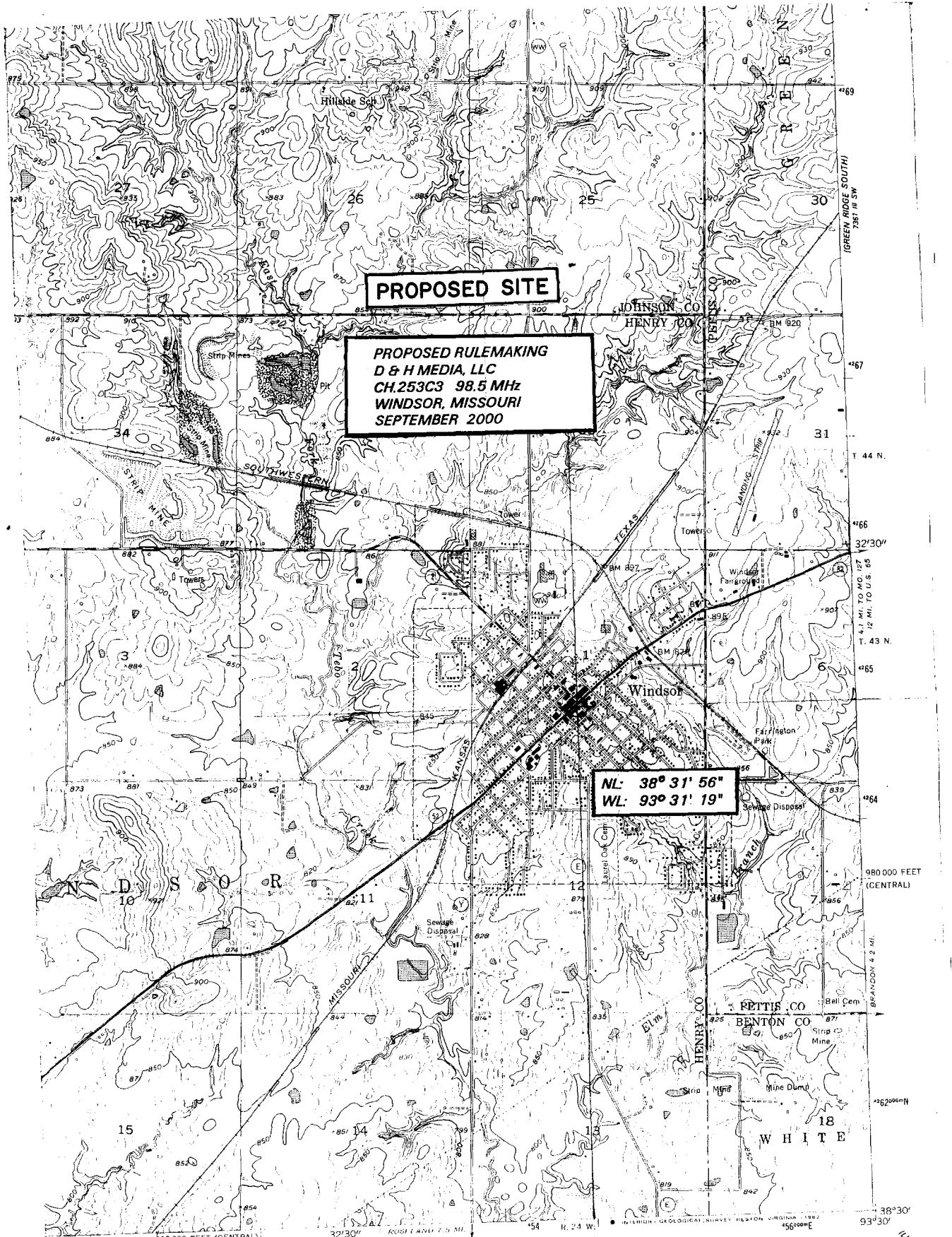
Subscribed and sworn to before me

This 19th day of September 2000

Notary Public Virginia K. Cutforth

Date of Commission Expiration December 21, 2000





SCALE 1:24 000
 0 3000 4000 5000 6000 7000 FEET
 0 1 KILOMETER

R INTERVAL 10 FEET
 ETIC VERTICAL DATUM OF 1929

TH NATIONAL MAP ACCURACY STANDARDS
 DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092,
 OF GEOLOGY AND LAND SURVEY
 NATURAL RESOURCES, ROLLA, MISSOURI 65401
 C MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

ROAD CLASSIFICATION

Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt ———
 U.S. Route State Route

WINDSOR, MO.
 N3830—W9330/7.5

1955
 PHOTOREVISED 1981
 DMA 7261 II SE—SERIES V879